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Attorneys for Non-Party,
The Metropolitan Club, Inc.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THIRD CHURCH OF CHRIST, SCIENTIST, OF
NEW YORK CITY

Plaintiff,

-against-

THE CITY OF NEW YORK AND PATRICIA J.
LANCASTER, IN HER OFFICIAL CAPACITY
AS COMMISSIONER OF THE NEW YORK
CITY DEPARTMENT OF BUILDINGS,

Defendants.

INDEX NO. 07-CV-10962 (DAB)

NOTICE OF MOTION

PLEASE TAKE NOTICE, that upon the Affidavit of Anthony Nuttall, sworn to April 11, 2008, and the exhibits thereto, the Memorandum of Law in Support of Motion to Quash the Subpoena, and upon all prior pleadings and proceedings had herein, non-party The Metropolitan Club, Inc. (the "Club") will move this Court at the U.S. Courthouse located at 500 Pearl Street, New York, New York, on a date to be determined by the Court for an Order, pursuant to Rule 45 of the Federal Rules of Civil Procedure quashing the subpoena, dated March 6, 2008, issued to the Club by plaintiff Third Church of Christ, Scientist, of New York City, in its entirety, on the ground that all requests in the subpoena are irrelevant and an undue burden on the Club.

PLEASE TAKE FURTHER NOTICE that the parties have conferred and agreed that, subject to the Court's approval, opposition papers, if any, are to be served and filed on or before May 2, 2008, and reply papers, if any, are to be served and filed on or before May 9, 2008.

Dated: New York, New York
April 11, 2008

Respectfully submitted,

FULBRIGHT & JAWORSKI L.L.P.

By: Neil G. Sparber
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The Metropolitan Club, Inc.

TO: John Cuti, Esq.
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1633 Broadway
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Attorneys for Plaintiff

Ave Maria Brennan, Esq.
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New York, NY 10007
212-788-0782
Attorneys for Defendant

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THIRD CHURCH of CHRIST, SCIENTIST, OF
NEW YORK CITY

Plaintiff,

-against-

THE CITY OF NEW YORK AND PATRICIA J.
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AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
) SS.:
COUNTY OF NEW YORK)

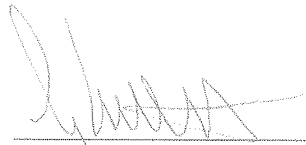
SYLVESTER HINDS, being duly sworn deposes and says:

1. That I am over eighteen years of age and am not a party to this action
2. On Friday April 11, 2007 I served Non-Party, The Metropolitan Club, Inc's *Notice of Motion, Memorandum of Law in Support of Motion to Quash subpoena of the Non-Party, The Metropolitan Club, Inc. and Responses and Objections of Non-Party The Metropolitan Club, Inc. to Production of Documents Pursuant to Rule 45(c)(2)(B)* on the following attorneys for the parties

John Cuti, Esq.
Davis Wright Tremaine LLP
1633 Broadway
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Attorneys for Plaintiff

Ave Maria Brennan, Esq.
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100 Church Street
New York, New York 10007
Attorneys for defendant

by personally delivering to and leaving at the offices of the attorneys above stated, true copies thereof.


Sylvester Hinds

Sworn to before me this
11th day of April 2008


Notary Public

VENUS COLLINS
NOTARY PUBLIC, State of New York
No. 02CO6035218
Qualified in Richmond County
Certificate Filed in New York County
Commission Expires January 3, 2010